



# City of Colorado Springs

Plaza of the Rockies  
South Tower, 5th Floor  
Blue River Board Room  
121 S Tejon St, Colorado  
Springs, CO 80901

## Meeting Minutes - Final Planning Commission

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Thursday, March 18, 2021

8:30 AM

Remote Meeting - Call 720-617-3426

Conf ID: 815 137 01#

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### 1. Call to Order

- Present:** 8 - Commissioner Raughton, Commissioner McMurray, Vice Chair Hente, Chair Graham, Commissioner Slattery, Commissioner Rickett, Commissioner Almy and Commissioner Eubanks
- Excused:** 2 - Commissioner Wilson and Alternate Griggs

### 2. Approval of the Minutes

**2.A.** [CPC 21-122](#) Minutes for the December 17, 2020 Planning Commissioner Hearing

Presenter:

Reggie Graham, Planning Commission Chairman

**Motion by Commissioner Rickett, seconded by Commissioner Raughton, to approve the December 17, 2020 Planning Commission Hearing minutes. The motion passed by a vote of 8:0:1:0**

- Aye:** 8 - Commissioner Raughton, Commissioner McMurray, Vice Chair Hente, Chair Graham, Commissioner Slattery, Commissioner Rickett, Commissioner Almy and Commissioner Eubanks

**Absent:** 1 - Commissioner Wilson

**2.B.** [CPC 21-183](#) Minutes for the January 21, 2021 Planning Commission Meeting

Presenter:

Reggie Graham, Chair, City Planning Commission

**Motion by Commissioner Raughton, seconded by Commissioner McMurray, to approve the minutes for the January 21, 2021 Planning Commission Hearing. The motion passed by a vote of 8:0:1:0**

- Aye:** 8 - Commissioner Raughton, Commissioner McMurray, Vice Chair Hente, Chair Graham, Commissioner Slattery, Commissioner Rickett, Commissioner Almy and Commissioner Eubanks

**Absent:** 1 - Commissioner Wilson

### 3. Communications

Peter Wysocki - Director of Planning and Community Development

### 4. CONSENT CALENDAR

**These items will be acted upon as a whole, unless a specific item is called for discussion by a Commissioner/Board Member or a citizen wishing to address the Commission or Board. (Any items called up for separate consideration shall be acted upon following the Consent Vote.)**

**Caliber at Briargate**

- 4.A. [CPC CU 20-00171](#) A conditional use development plan for a 200-unit multi-family community located at 9292 Grand Cordera Parkway and consisting of 7.65 acres.

(Quasi-Judicial)

Presenter:  
Matthew Alcuran, Planner II, Planning and Community Development

**This Planning Case was approved on the Consent Calendar.**

**Load N Lock**

- 4.B. [CPC CU 20-00094](#) A conditional use development plan for a miniwarehouse in the OC (Office Complex) zone district at 3980 Galley Road.

(Quasi-Judicial)

Presenter:  
Katelynn Wintz, Senior Planner, Planning & Community Development

**This Planning Case was approved on the Consent Calendar.**

- 4.C. [CPC NV 20-00165](#) A non-use variance from City Code Section 7.4.206(K) to allow recycled asphalt surface material in the drive aisles and maneuvering aisles where paving is required at 3980 Galley Road.

(Quasi-Judicial)

Presenter:  
Katelynn Wintz, Senior Planner, Planning & Community Development

**This Planning Case was approved on the Consent Calendar.**

**Pinnacle Parking Plan**

- 4.D. [CPC ZC 20-00179](#) Ordinance No. 21-42 amending the zoning map of the City of Colorado Springs pertaining to 0.68 acres located north of the Paseo Road and Melissa Drive intersection from R-1 6000 (Single-family Residential) to OC (Office Complex)

(Quasi-Judicial)

Presenter:

Bill Gray, Senior Planner, Planning & Community Development  
Peter Wysocki, Director, Planning & Community Development

**This Ordinance was referred on the Consent Calendar to the City Council.**

4.E. [CPC CP  
20-00180](#)

A Concept Plan for the Pinnacle Parking Plan project illustrating a surface parking lot addition for the Pinnacle Eye Center and Surgery Center, located adjacent to the north of the Paseo Road and Melissa Drive intersection.

(Quasi-Judicial)

Related Files: CPC PUZ 20-00119

Presenter:

Bill Gray, Senior Planner, Planning & Community Development  
Peter Wysocki, Director, Planning & Community Development

**This Planning Case was referred on the Consent Calendar to the City Council.**

**Rodeway Inn**

4.F. [CPC CU  
20-00138](#)

Conditional Use Development Plan to allow a multi-family land use within the PBC (Planned Business Center) zone district located at 2409 East Pikes Peak Avenue.

(Quasi-Judicial)

Presenter:

Tasha Brackin, Senior Planner, Planning and Community Development

**This Planning Case was approved on the Consent Calendar.**

**Approval of the Consent Agenda**

**Motion by Commissioner Raughton, seconded by Commissioner Rickett, that all matters on the Consent Calendar be passed, adopted, and approved by unanimous consent of the members present. The motion passed by a vote of 8:0:1:0**

**Aye:** 8 - Commissioner Raughton, Commissioner McMurray, Vice Chair Hente, Chair Graham, Commissioner Slattery, Commissioner Rickett, Commissioner Almy and Commissioner Eubanks

**Absent:** 1 - Commissioner Wilson

**ITEMS CALLED OFF CONSENT**

**5. UNFINISHED BUSINESS**

**Present:** 8 - Commissioner Raughton, Commissioner McMurray, Vice Chair Hente, Chair Graham, Commissioner Slattery, Commissioner Rickett, Commissioner Almy and Commissioner Eubanks

**Excused:** 2 - Commissioner Wilson and Alternate Griggs

**2424 Garden of the Gods**

**5.A.** [CPC MP 06-00065-A1 MJ20](#) A resolution of the City Council of the City of Colorado Springs, Colorado, approving a major amendment to the Mountain Shadows Master Plan, relating to 125.34 acres located west of the North 30th Street and Garden of the Gods Road changing land use designations to Open Space, Office, Public Institution, Residential and Community & Neighborhood Commercial.

(Legislative)

Related Files: CPC PUZ 20-00176, CPC PUP 20-00177

Presenter:

Katelynn Wintz, Senior Planner, Planning & Community Development  
 Peter Wysocki, Director, Planning & Community Development

**Staff presentation:**

**Katelynn Wintz**, City Planning, presented a PowerPoint with the scope and intent of this project.

City Planning Commission made the following requests:

1. Address plan consistency
2. Refine the development vision & provide additional details about future development
3. Provide a visual impact analysis from different points on the project site
4. Provide conceptual designs for building placement
5. Review building height & setback criteria
6. Staff should coordinate a meeting between the applicant and the community association to discuss project scope and revisions
7. Staff should coordinate with the Office of Emergency Management, Division of the Fire Marshal, and City Traffic to address emergency evacuation concerns related to the land use entitlement process

**Stakeholder Process:**

- Staff coordinated two meetings between the Applicant team and a Mountain Shadows Community Association working group, consisting of MSCA President, two MSCA members and legal representation.
- February 1st: This meeting discussed changes MSCA would like to see
- February 26th: This meeting reviewed the proposed plan revisions

based on the items raised by MSCA at the 2/1 meeting.

**PlanCOS Conformance:**

- Chapter 3 Unique Places - Big Idea “Embrace Creative Infill, Adaptation and Land Use Change”:

*“...for our city to be even more competitive, we also need areas to infill and adapt in response to a myriad of trends including demographics, technology, and the market. As a community we should embrace the prospect of managed, thoughtful, and forward-thinking changes in land use by reinvesting in key areas”*

- Chapter 2, Vibrant Neighborhoods - Goal VN-2:

*“Strive for a diversity of housing types, styles, and price points distributed throughout our city through a combination of supportive development standards, community partnerships and appropriate zoning and density that is adaptable to market demands and housing needs.”*

- Chapter 7, Majestic Landscapes - Goal ML-4:

*“Value our scenery and environment”*

**Emergency Evacuations:**

- Staff coordinated one meeting with the following agencies:
  - City Traffic
  - Division of the Fire Marshal
  - Pikes Peak Regional Office of Emergency Management
- A letter was provided to the Planning Commissioners with a description of each agencies review responsibilities related to Land Use Review.

**Applicant Presentation:**

**Andrea Barlow**, N.E.S., presented a PowerPoint with the scope and intent of this project, with the following plan changes:

- Clarified maximum height at 45’ or 3-story, whichever less, unless otherwise restricted to 2 story
- Added 150’ setback for 2-story buildings.
- Reduced maximum density to 16 du/ac or 420 units.
- Clarified size of existing building as 750,000 sf.
- Clarified no additional new buildings proposed in and no residential use Area A
- Clarified that a maximum of 200,000 sf or 220 units allowed in Area B, not both, or some combination within this range.
- Amended Area C to just residential use.
- Amended maximum non-residential SF to 950,000 sf (existing building plus 200,000 SF in Area B).
- Clarified the allowed uses in each are by incorporating this into permitted use table.

**Questions:**

Commissioner Raughton asked for someone to address the neighborhoods concerns regarding access in terms of emergency vehicles.

Ms. Barlow explained that staff would be addressing those concerns because it was not a site-specific issue, but a much broader issue. Ms. Barlow did say

this site is located at the intersection of a four-lane and six-lane road, with the six-lane road having a direct shot to the highway. In terms of being able to evacuate this site, it has perfect access to the highway. Ms. Barlow added there have been substantial developments approved recently by Planning Commission and City Council on the west side of the highway where this issue was not raised.

**Todd Frisbie**, City Traffic Engineering:

- A traffic impact analysis was completed to analyze what the impacts of additional housing would be and that is done as part of the review process
  - The analysis is completed during peak hours of traffic on an everyday occurrence
- When it comes to an evacuation response, that is not part of an evaluation required through traffic engineering
- An evacuation comes down to traffic management and not a traffic analysis
  - How do we manage the flow of traffic during an evacuation?
    - Implement best practices
    - Potentially have counterflow on the roadways
    - There will always be points of constraint
    - It's about preparation on managing the flow

Commissioner Raughton asked Mr. Frisbie if there was any thought to the number of accesses from the neighborhood in terms of emergency response to a fire, and said he thought there were three. Mr. Frisbie agreed that there were potentially three access points out of the neighborhood and said there was not an analysis that traffic engineering could do to evaluate evacuations. It falls on the police department to manage evacuation traffic flow, it falls on the Office of Emergency Management (OEM) to get the evacuation notices out in a timely manner, and it falls on those living in the area to be prepared and to evacuate when asked.

**Brett Lacey**, Fire Marshal with Colorado Springs Fire Department (CSFD), explained to Commissioner Raughton that the question belongs to the police department. The fire department would describe the area that needed to be evacuated and the police department's practice would be to use contraflow. In this case, the six lanes of Garden of the Gods would be utilized for all traffic to go in one direction out of the area. The fire department would rely on the police department to help move traffic away from harm. Fire Marshal Lacey reiterated that the fire department has no standards to evaluate neighborhood evacuations. CSFD deals with building flow, the construction of a building, and the analysis of all the accesses in and around a complex so that the fire department's apparatus can move freely within the site of a development, as well as a neighborhood.

Commissioner Raughton went on to ask specific questions about the equipment of the CSFD and how they would respond to a fire hazard in the neighborhood, and reiterated what Fire Marshal Lacey said about the CSFD's first responsibility is to get their apparatus to the scene of a fire or emergency,

and then after that has occurred, the police department would engage and negotiate the evacuation.

Commissioner Hente commented that the letter given to the commissioners did not take into effect the human nature that occurs during a wildfire evacuation. Some people panic and some people remain calm. Also, what about CSFD trying to get equipment to the fire when there is a contraflow with the traffic, or how people will be trying to get back in the area to retrieve a car or a pet. There are also the factors that you do not know which way the fire is going to go or which way the wind is blowing. Commissioner Hente said to him, the problem becomes a matter of total volume of traffic trying to move either to evacuate the area or go back into the area. Commissioner Hente wanted to know Fire Marshal Lacey's thoughts on that.

Fire Marshal Lacey said they are extremely reliant on the proper behavior of citizens and the individuals. That can often be a wild card because there are several individuals that move into our community that do not have this kind of a threat. Lack of preparedness, lack of awareness, or lack of education does create significant issues for the fire department. The CSFD has worked hard with OEM and different neighborhoods to educate as best as possible, as well as participate in community events to do evacuation drills. Tracking volume will always create issues, but the more awareness that can be generated through the overall community, the better prepared we will be for evacuation.

Commissioner McMurray expressed appreciation to the applicant for providing the additional materials requested. (The question Commissioner McMurray asked was inaudible.) Ms. Wintz explained the difference between the concept plans that were submitted showed the height restriction with a visual analysis. Concept A, as part of that visual analysis, was only provided as a marker for what was proposed in the January meeting. Concept A is the information that was provided in January, Concept B reflects the March amendment of the concept plan that is before the commission today.

Commissioner Rickett asked Ms. Wintz to explain what could have been approved administratively on this site that would have never come before the commission. Ms. Wintz said if the applicant chose to utilize the existing zoning in place today that was permitted by right, they would submit a development plan application to the city, and it would go through an administrative review process for that application. The applicable criteria would be used to evaluate the development plan, as well as engage all the internal city review agencies. There would be a public notification process as part of the administrative review, but there would not be a forum like today's meeting through the Planning Commission.

Commissioner Slattery asked Fire Marshal Lacey how soon it would take for the landscape to recover from the previous disaster to be in a situation where this disaster could repeat itself.

Fire Marshal Lacey said it takes a significant amount of time to revegetate, but we would be right back into a situation where wildfire would be a risk soon. From the fire department's perspective, the different kinds of vegetation as it

comes up through its evolution will create different risks and different threats depending on what that fuel model is, so it is always going to be a risk. Right now, that area in the northern part of Mountain Shadows, or Waldo Canyon, is going to be relatively safe for some years to come, but as the vegetation continues to grow and reverse itself, that will increase the risk. The more we can continue to improve our structural hardening and mitigation through manual means or controlled burns the better we can manage the risk. Fire Marshal Lacey said community training and awareness is the important piece.

Commissioner Raughton wanted to know if there was anything in this plan that would prevent the conversion of the existing facility to respond to the needs of transferring chip manufacturing from Taiwan back to the United States. Ms. Barlow said the existing building is staying in classification of uses that would allow for that type of use to continue. Currently, the building is only about 40% leased and has a huge capacity within the existing building to take additional businesses. The property owner sees that adding the residential in there as being a benefit to encouraging that building to be more fully leased in that people can live near where they work if they choose to. It allows for a more readily changing workforce.

**Opponents:**

Mr. Harmon Zuckerman, Attorney representing the Mountain Shadows Community Association with respect to the association's participation in the public process around this application, introduced Bill Wysong who will be presenting the concerns of the community:

- Project would be detrimental to the quality of life in Mountain Shadows
- Violates standards by obscuring views, which the standards are meant to protect
- Reduces parkland level of service
- Disruption of ecosystem and wildlife

Mr. Bill Wysong, Mountain Shadows Community Association

- When property is not zoned for the intended use, a developer must go through the process and show that it protects and benefits the community. This plan does not meet the goals and policies of PlanCOS
- Major Concerns:
  - Safety and emergency evacuation
    - Fire evacuation plan
    - No hazardous planning
    - Woodmen and Garden of the Gods congested during Waldo Canyon fire
    - Adding hundreds of thousand square feet in commercial development and potentially over 1000 new residents in this one development is paramount to disaster
    - Why create another choke point by adding more people
  - Hillside Overlay ordinance
    - Project does not preserve or protect the viewsheds
    - Does not limit the development encroachment that threatens the integrity of the natural landscape
    - Negative impacts on the wildlife and the environment



- City ordinance requires that the multifamily building height in the hillside overlay areas be determined at the time of zoning with a visual analysis; the applicant has not provided adequate visual analysis
- The criteria for rezoning, master plan amendment, PlanCOS, and the Hillside design manual have not been met
  - General welfare is inconsistent with the goals, policies, and recommendations of PlanCOS
  - The project does not serve as a benefit to the surrounding neighborhood
  - The project does not preserve significant natural sight features and view corridors
- City Code is violated if this application conflicts with the Hillside Overlay ordinance
- The project doesn't conform to the Hillside Design Manual objectives, standards guidelines
- The application fails to meet the spirit and intent of the code
- Disagreed with the photo analysis the applicant provided showing the height of the apartment complex
- The visual analysis is flawed and again was accepted by staff without analysis or comparison to the images and analysis supplied by Mountain Shadows Community Association in multiple documents
- Park Land Dedication
  - Adding multifamily housing with no park space drives the level of service lower for parks
- Bighorn Sheep in the area
  - Parks and Wildlife inaccurate about Bighorn Sheep not accessing this site
  - Wildlife habitat migration corridors ignored
- Disregard to the local community
- Staff inconsistencies and omissions
- Provided a petition with over 6000 signatures against this project

**Public Comments made by:**

Dorothy Macnak, Gerald White, Tina Brooks, (inaudible Hertz, past President of Mountain Shadows Community Association), Jeff (last name inaudible), John McClain, Judy Darcy, Ron Johnson; Sharon Dehalas, Bobbi Price, Sharon Wang, Stacy Wright, Carrie Waits, Sean Murray, Debbie Anderson, Kathy Kelso, Nancy (inaudible), Jeff (inaudible), Lori (inaudible), Linda Hertz, W.W. Reed, Paul (inaudible), Dorian Lee, Caitlin Henderson, Heather Polte, Danette Taylor, Janet Hubbard, Jim Hemingway, Dan Quarry, Matt Gibson, Marcena Springer, Dorothea (inaudible), Bill (Pinecrest resident), Tom Heaney, Sharon Mullaly, Paula Wyatt, Don Johnson, Trista Tribble, Kathy Reed

**Bighorn Sheep:**

- Would impact Bighorn Sheep habitat, need to protect the herd, are classified as a sensitive species by the US Forest Service

- Bighorn Sheep have been spotted on the 2424 Garden of the Gods lot
- People and dogs are most detrimental to Bighorn Sheep habitat in urban areas and adding high density housing will jeopardize this
- PlanCOS - protection of wildlife habitat and migration
- City Code 7.3.504 states to preserve wildlife habitat and migration corridor

**Pedestrian & Bicycle infrastructure:**

- If plan moves forward should require substantial pedestrian and bicycle infrastructure
- Need to have consideration for pedestrian and family friendly interfaces in the design, have a 21st Century design infrastructure consistent with a safe, attractive, and progressive design

**Emergency Evacuation/Fire Threat:**

- 30th Street and Garden of the Gods is a dangerous intersection
- Choke point for traffic in an emergency
- No specific plan for evacuation in an emergency; 7.5.603.B.1 cites the action will not be detrimental to public interest, health, safety, convenience, or general welfare as it relates to emergency evacuation
- City needs to address the evacuation plan
- Fire risks are going to be increasing
- Icy and snow packed roads have not been considered during an evacuation
- Issues with safety and fire evacuations have not been addressed
- Why add more people into the neighborhood with the fire threat
- Our climate is drier every year, which raises the threat of fire danger

**Park Land Dedication/School:**

- Additional apartments will put more stress on Chipita Park
- Schools are already full in this area and no room for more
- Schools and parks can't handle an influx of people

**Hillside Overlay:**

- Staff report comments indicate several of the requirements are focused on the development plan level and consistently leaves out such requirements and conditions that are included in the zoning review
- Code states that hillside building heights for multifamily uses shall be determined at the time of zoning and development plan review based on visual analysis
- Hillside will be significantly impacted and not protected or preserved by this development
- Staff said Hillside Manual is not codified, implying it is not relevant, but the manual states it incorporates code requirements and is not just suggestions
- Concerned this would set a precedence for other visual properties on the west side

**Infill:**

- This is a wildland interface in a suburban neighborhood and not an infill project; this is the wrong development in the wrong location
- Object to the increase in density and impact to those already living in the area clearly making it a net loss in quality of life
- City is protecting and serving the developers
- There should be no current or future development for multifamily dwelling units near the Verizon building because there will be too many negative impacts
- This community has already reached its residential capacity decades ago
- Population density has been exceeded
- It's not safe to have more residential infrastructure and people in this area of Colorado Springs
- Should only have single-family homes or townhomes, not multifamily
- There are already thousands of apartments going up on the north side, is one here really necessary

**Traffic:**

- Traffic is a major concern, especially during an emergency
- Choke point
- Traffic is already bad in the area
- Mischaracterization that that Garden of the Gods Road is not congested
- Residents don't agree with the Traffic Engineers assessment
- Traffic on Flying W Road is terrible on a good day

**Housing Shortage:**

- There are five large complexes with over 1000 units total within 3.5 miles of 2424 Garden of the Gods and more going in downtown, which doesn't seem like an apartment complex problem, not like the single-family home crisis
- Losing the character of Colorado Springs
- Do not want this kind of stuff on the west side
- Already enough apartments in the City

**Public Comment Concerns:**

- Neighborhood is being ignored
- Planning Commission and City Council need to listen to the citizens
- City backs developers and not the residents
- City only cares about the tax revenue
- Don't elect council members who support out of state developers who want to spoil our views, increase congestion, and all the other problems mentioned today
- Should have more time to invite public opinion from the citizens and not bypass that process
- Need to protect the natural beauty of this city and not cover it up with development

- Obligation to preserve the beauty of this City
- City Council and Planning Commission need to protect the beauty of our city
- Colorado Springs is being over built
- The developer will not be a good neighbor and only sees the dollar; they don't consider the residents of Mountain Shadows
- Hold the developer to a higher standard and to keep the city beautiful for years to come
- This development is not good for the general welfare of the current or future citizens
- This development needs to be out east

**Questions from the public:**

- Why did staff not address the zoning codes and ordinances pertaining to the Big Horn Sheep?
- Is the city exempt from the governor's executive order to protect Bighorn Sheep and their habitat?
- Why did the developer not do their due diligence and put it in a contract for a contingency for zoning change?
- Why can't the applicant develop somewhere else?
- Will parking overflow from the proposed apartment complexes be parking along Flying W Road in the bicycle lane?
- If rezoning is approved, can the concept plan change? Can hotels, etc. be developed under the new zoning? So essentially, the property could be sold, and anything can be developed under the new zoning?
- What kind of study was done for the Bighorn Sheep and what kind of approval was given by that department?
- When was the traffic study done?

**Rebuttal:*****Andrea Barlow Rebuttal:***

- Very little of the new comments related to the amended project and were rebutted at the last meeting in January
- Ms. Barlow addressed rights to an unobstructed view:
  - That is not in the code and the code does not protect those things. The applicant is not proposing any buildings that are higher than the existing structure on the property, which is 45-feet
  - Applicant has had two very long neighborhood meetings and two long meetings with the Mountain Shadows Community Association, which resulted in no constructive comments about what the applicant could do to change the plans to meet neighbor responses
  - The applicant has made their own analysis and changes and set certain parameters to the plans to try and address those neighbor concerns as best they felt possible
  - Based on the applicant's visual impact analysis, which is an accurate depiction of what the concept shows, nothing has been produced to counter that other than some initial renderings from

- the community associations, representatives or from somebody in the community showing things that were completely unrealistic
- There was a reference to a view shed taken from the existing building to the Navigators, again, the existing building is 45-feet and the applicant is not proposing anything to exceed that, but staff cannot analyze a line in the air. Staff needs something concrete on a plan that they can analyze and enforce. That is why the applicant proposed the additional setback to address the comments received to address the visual impact analysis
- A lot of comments were made about public interests in general welfare
  - City Planning Commission is responsible to look out for the general welfare to the city, not just the neighborhood
  - It is a broader consideration and discussion
- Wildfire evacuation
  - Since the Waldo Canyon fire, there has been a revision to the comprehensive plan; there has been a WUI put in place and none of which say you cannot develop and you cannot do infill developments on the west side of the city or in the WUI; it provides additional considerations, but it is not a prohibitionist on developments
  - Wildfire Mitigation - This area is primarily in the moderate to low risk on wildfire in terms of the hazard rating
- Parks Comments
  - The Parks Department are responsible for reviewing parks and not City Planning
  - Parks Department indicated that they do not consider a park necessary for this development
  - There are adequate parks in the area, with a public park being in proximity to the site
  - Applicant will be paying park fees
  - Applicant is also dedicating or offering to the city 53-acres of land on the west side for open space
  - Applicant will be meeting the city's internal amenity recreational requirements for this development, which is 200 square feet per bedroom
  - There will be adequate infrastructure in terms of recreation and amenity space to serve the residents of this development
- Bighorn Sheep
  - Colorado Parks and Wildlife, who are the experts, responded to the Bighorn Sheep comment
- Pedestrian and Bicycle infrastructure
  - The applicant is not responsible for providing pedestrian and bicycle infrastructure on public streets. The city is responsible for widening city streets
  - The traffic study, verified by City Traffic Engineering, indicated there is not a capacity issue in this location in terms of the street
- Every single criteria in the project statement was addressed, whether it is to the satisfaction of neighbors or not

Commissioner Raughton asked if there were any covenants restricting the development of the property. Ms. Barlow said as far as she is aware, the property is not subject to the covenants of the Mountain Shadows Community Association, as it is a separate development entirely.

Commissioner Slattery asked Ms. Barlow to remind the neighbors what could be built in the current zone. Ms. Barlow said it is currently zoned PIP1, and that allows a 30% lot coverage. The current lot coverage is only 10%, so substantial addition up to 500,000 square feet of additional floor space could be developed. The industrial zoning includes a wide variety of uses, which can include noxious industrial uses and/or conditional uses such as a marijuana grow facility. The applicant feels he is making an improvement with the type of use being proposed.

***Ms. Kate Wintz, City Planner, Rebuttal:***

- Both District 11 and the Parks department have reviewed these applications
- District 11 indicated that there are no capacity issues in the area schools
- If this development comes to a development plan stage, they would be required to pay the school fees that are required by ordinance
- The developer would be required to pay park fees in lieu of dedication for this property

***Todd Frisbie, Traffic Engineering, Rebuttal***

- The counts for the traffic study were completed in July of 2020 during the COVID pandemic
- The City worked with the developer's traffic engineer to look at historic counts from past years during the summer season to adjust the current counts to represent a summer weekday peak under normal traffic conditions

**Questions of Staff:**

Commissioner Raughton asked the status of the dedication or transfer in lieu of fees for the additional park land that was made by the developer's representative. Ms. Wintz explained that the concept plan shows 55-acres of open space. The applicant is in conversations with the parks department for some agreement to deed that land to the city to act as open space. Ms. Wintz said she believed that would be done through the TOPS (Trails and Open Space) program, so that would be outside of the Park Land Dedication ordinance. That would be the reason why the fees in lieu of dedication is being triggered for the development of future residential units. In this situation, the developer would be both dedicating or transferring land to the city as well as paying park fees, although the transfer of land would be happening outside of the ordinance.

Commissioner McMurray asked if the commission could attach a conditional approval to provide a pedestrian crossing. Mr. Todd Frisbie said that kind of question sometimes goes through the engineering development review team. As part of the development plan, there would be requirements for sidewalks and

pedestrian ramp improvements at the intersection. Those would be addressed at the development plan stage.

Ms. Meggan Herington, Assistant Director of Planning and Community Development, said she did not think the engineering development review team looked at this to say this kind of crossing at this specific location could be done. Ms. Herington said she did not believe the fees of the where and how was evaluated through the concept plan, and that it would need to be evaluated to see what it would look like.

Commissioner McMurray said that made sense and said it would be conditional based on exploring that as part of the development plan approval process. Ms. Herington said that is how we would work with engineering to evaluate where pedestrian crossings were and how pedestrian crossings could occur.

#### **DISCUSSION AND DECISION OF PLANNING COMMISSION:**

Commissioner Raughton commended the public for their comments and bearing through the failure of our technology. Commissioner Raughton was impressed with the Mountain Shadows arguments, and specifically Mr. Wysong's professionalism and handling a diverse set of questions.

- Commissioner Raughton was delighted with the underlying pride of the Mountain Shadows community and arguing their case
- Biggest lesson was the impact of the 2012 Waldo Canyon fire that scarred the neighborhood
- The fire situation challenges the community, City Council, City administration, the Fire Marshal, Traffic Engineering, and the commissioners to relook at how the city is working with the neighborhood and the community in terms of the future
- Commissioner Raughton believed the developer has done substantive revisions of the plan, reduced the density, setbacks have been expanded and in one case along the neighborhood by 150 feet
- Developer has limited not only the density, but the intensity of the envelopment
- Commissioner Raughton is concerned with losing all the high-tech fixed facilities to others, as well as retail development when we need it in the future of our economy
- It is key to provide diversity of housing for the success of the city in the future
- Commissioner Raughton said he was in support of this development

Commissioner Almy commended the Mountain Shadows Community Association for their presentation. He said it would also be remiss of him if he did not point out that some of the points that were made were either inaccurate or not completely accurate. Some of these things can be easily taken out of context.

- Regarding the comment that this is a city matter and not just a neighborhood matter, the project is in the setting of the primary gateway to the Garden of the Gods Park, which is emblematic to our city and the Pikes Peak region

- The foothills of the rocky areas are part of that landscape that is cherished
- The city does have an inherent right to maintain the majestic scenery in this area
- The area has had experience in facing a major, fast-moving wildfire and anybody who lived through that will not forget it
  - Commissioner Almy pointed out that other parts of our country where there is major flooding or hurricane storm damage, that it doesn't take too many years before people forget all the lessons learned about why people don't build in these places
- The developer asked for a rezone because the purpose for the current zoning is not present today, with companies moving away deciding it wasn't worth it
- Infill - Commissioner Almy said he felt that infill is more downtown area vacant lots or blighted properties to regenerate the more dense parts of the city, but this infill is occurring on the edge, right against the wildlife area, natural views, and the hillside overlay.
- It's not really infill, it is more encroachment on the wildlife
- Commissioner Almy said he did not feel that this project in any way meets the requirements, spirit, or intent of the cited ordinances
  - Does not meet requirements of city code for:
    - Will not be detrimental to public interest, health, and safety
    - Does not meet the goals of the comprehensive plan (PlanCOS) which talks about our majestic landscapes
- Commissioner Almy said the project does not fill any of those requirements and he will not be voting in favor of this project

Commissioner McMurray said he would be voting in favor of the project:

- Big picture policies as outlined in PlanCOS where there is a significant and growing need for market housing and community
- The applicant addressed the specific criteria outlined for master plan amendments, zone change, and concept plan approval
- Concept Plan B, which represents the current concept plan under review, adequately addressed that question around majestic landscapes, which was the basis for the original request of pulling those setbacks 100 feet and the two stories, which addresses conserving viewsheds
- Commissioner McMurray was satisfied with the applicant's height analysis and did not agree with the homeowner's associations analysis that it was done incorrectly
- As far as violating the Hillside Overlay ordinance, it was mentioned that the project did not meet the requirements, but it was not demonstrated by the homeowner's association. Commissioner McMurray said he would have considered that if it was demonstrated and that could have moved the "needle for me" if he had more to go on
- As far as the emergency evacuation is concerned, it is really a systemic issue and much bigger than a single project and raises the question of how the planning commission could gain a better understanding of the



evacuation planning and our capacities to deal with it as it relates to land use

- Feels like we are lacking a condition in terms of a concrete plan, clear data, and understanding where the limits are in terms of ultimate capacity on the west side

**Continued on Item 5.B. CPC PUZ 20-00176**

Commissioner Rickett concurred with Commissioner Almy on th

**Motion by Commissioner Raughton, seconded by Commissioner Slattery, to recommend approval to the City Council the Mountain Shadows Master Plan amendment from Office Industrial Park to Open Space, Office, Public Institution, Residential and Community & Neighborhood Commercial, based on the findings that the master plan amendment request complies with the review criteria for master plans as set forth in City Code Section 7.5.408. The motion passed by a vote of 4:3:1:1**

**Aye:** 4 - Commissioner Raughton, Commissioner McMurray, Commissioner Slattery and Commissioner Eubanks

**No:** 3 - Vice Chair Hente, Commissioner Rickett and Commissioner Almy

**Absent:** 1 - Commissioner Wilson

**Recused:** 1 - Chair Graham

**5.B. [CPC PUZ 20-00176](#)**

An ordinance amending the zoning map of the City of Colorado Springs relating to 125.34 acres located west of the North 30th Street and Garden of the Gods Road from PIP1/A/PUD/HS (Planned Industrial Park, Agriculture and Planned Unit Development with Hillside Overlay) to PUD/HS (Planned Unit Development: Residential and Commercial Uses, 15-16.99 dwelling units per acre, 420 maximum dwelling units, maximum building height 45-feet; and a maximum commercial building square footage of 950,000) with Hillside Overlay.

(Quasi-Judicial)

Related Files: CPC MP 06-00065-A1MJ20, CPC PUP 20-00177

Presenter:

Katelynn Wintz, Senior Planner, Planning & Community Development  
 Peter Wysocki, Director, Planning & Community Development

Continued from Item 5.A. (File ID CPC MP 06-00065-A1MJ20)

Commissioner Rickett concurred with Commissioner Almy on the comments he made.

- Commissioner Rickett has consistently sided with people who have done their due diligence when they are buying property and know what the zoning is around them
- If the Garden of the Gods had been under construction with two or three

lanes shut down and you are trying to evacuate 30,000 people in the neighborhood, it very well could have turned into a disaster

Commissioner Eubanks thanked everyone who took the time to respectfully comment. She said she understood the concern of the neighborhood and the desire to not over develop and understood the frustration at the N.E.S statement about how a commercial building or an institutional building that takes up 30% of the lot and might not be as appealing as the proposed residential units. At the same time, Commissioner Eubanks made the following points:

- Reiterated that the proposed development area is not a dedicated open space
- The site is already zoned for development
- The developer demonstrated that the landscape would be maintained at setbacks greater than was previously discussed, with the new visual analysis of the two- and three-story structures, which is better suited for that area
- Appreciated the fire marshal's testimony regarding the ability to respond to fires in the area and the evacuation routes
- Concurred with Commissioner Raughton's call to continue work for fire mitigation and response
- Agreed with Commissioner McMurray asking for an engineering review for the pedestrian crossing

Commissioner Slattery said this is a commercial lot and not open space. There is the west side portion that is dedicated to open space. Commissioner Slattery said she thought the applicant made a lot of effort and due diligence to meet with the community to come up with something that compliments the neighborhood. Housing and multifamily housing in the west side is needed. Commissioner Slattery said for those reasons, she will be in favor of this project.

Commissioner Hente said he agreed with Commissioner Almy's statements. He added that two months ago, he expressed some concerns regarding the wildfire evacuation, but felt like he did not hear anything today that alleviated any of the concerns. Commissioner Hente said he voted no two months ago, and that he would be staying with that vote.

**Motion by Commissioner Raughton, seconded by Commissioner Slattery, to recommend approval to City Council the PUD zone change General Industrial, Agriculture and Planned Unit Development with Hillside Overlay (PIP1/A/PUD/HS) to Planned Unit Development: Residential and Commercial Uses, 15-16.99 Dwelling Units Per Acre, 420 maximum dwelling units, a Maximum Building Height of 45-feet; and a Maximum Commercial Building Square Footage of 950,000 square feet with a Hillside Overlay (PUD/HS) based upon the findings that the request meets the review criteria for establishing a PUD zone, as set forth in City Code Section 7.3.603, and the review criteria for a zone change, as set forth in City Code Section 7.5.603. The motion passed by a vote of 4:3:1:1**

**Aye:** 4 - Commissioner Raughton, Commissioner McMurray, Commissioner Slattery and Commissioner Eubanks

**No:** 3 - Vice Chair Hente, Commissioner Rickett and Commissioner Almy

**Absent:** 1 - Commissioner Wilson

**Recused:** 1 - Chair Graham

**5.C.** [CPC PUP 20-00177](#) A PUD Concept Plan for 2424 Garden of the Gods establishing a mixed use development pattern for 125.34 acres, located west of the North 30th Street and Garden of the Gods Road.

(Quasi-Judicial)

Related Files: CPC MP 06-00065-A1MJ20, CPC PUZ 20-00176

Presenter:

Katelynn Wintz, Senior Planner, Planning & Community Development  
Peter Wysocki, Director, Planning & Community Development

See Item 5.A. (File ID CPC MP 06-00065-A1MJ20)

**Motion by Commissioner Raughton, seconded by Commissioner Slattery, to recommend approval to the City Council the PUD concept plan for the 2424 Garden of the Gods project, based upon the findings the proposal meets the review criteria for concept plans as set forth in City Code Section 7.5.501(E) and criteria for PUD concept plans set forth in City Code Section 7.3.605. The motion passed by a vote of 4:3:1:1**

**Aye:** 4 - Commissioner Raughton, Commissioner McMurray, Commissioner Slattery and Commissioner Eubanks

**No:** 3 - Vice Chair Hente, Commissioner Rickett and Commissioner Almy

**Absent:** 1 - Commissioner Wilson

**Recused:** 1 - Chair Graham

**6. NEW BUSINESS CALENDAR - None**

**7. PRESENTATIONS/UPDATES - None**

**8. Adjourn**